
HOUSE BILL No. 1445

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-3.5-3-4; IC 5-10-5.5-3; IC 5-10.2-2-17; IC 33-38-6-23; IC 33-39-7-11; IC 36-8-8-5.

Synopsis: Public pension information. Provides that records concerning: (1) mandatory contributions by the state or another employer to a public retirement fund that are paid on behalf of and individually identifiable to a fund member; and (2) the amount of an employer paid retirement or disability benefit; are public records.

Effective: July 1, 2007.

Thompson

January 23, 2007, read first time and referred to Committee on Interstate and International Cooperation.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1445

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 2-3.5-3-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) The PERF board
3 shall administer the system, which may be commingled with the PERF
4 fund for investment purposes.
5 (b) The PERF board shall:
6 (1) determine eligibility for and make payments of benefits under
7 this chapter, IC 2-3.5-4, and IC 2-3.5-5;
8 (2) in accordance with the powers and duties granted in
9 IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3
10 through IC 5-10.3-5-6, administer the system; and
11 (3) provide by rule for the implementation of this chapter,
12 IC 2-3.5-4, and IC 2-3.5-5.
13 (c) A determination by the PERF board may be appealed under
14 IC 4-21.5.
15 (d) The powers and duties of:
16 (1) the director and the actuary of the PERF board;
17 (2) the treasurer of state;



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(3) the attorney general; and
 (4) the auditor of state;
 with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The PERF board may hire additional personnel, including hearing officers, to assist in the implementation of this chapter.

(f) Legislators' retirement system records of individual participants and participants' information are confidential, except for:

(1) the name and years of service of a retirement system participant;

(2) the amount of mandatory contributions paid under IC 2-3.5-5-5 by the state on behalf of and individually identifiable to a retirement system participant; and

(3) the amount of a monthly retirement or disability benefit paid to a retirement system participant (or to a survivor or beneficiary of a retirement system participant) under IC 2-3.5-4.

SECTION 2. IC 5-10-5.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The management administration of the retirement plan created by this chapter is hereby vested in the board of trustees of the public employees' retirement fund.

(b) Records of individual participants in the retirement plan created by this chapter and participants' information are confidential, except for:

(1) the name and years of service of a retirement plan participant;

(2) the amount of mandatory contributions paid by the state on behalf of and individually identifiable to a retirement plan participant; and

(3) the amount of a monthly retirement allowance or disability benefit paid to a retirement plan participant (or to a survivor or beneficiary of a retirement plan participant) under this chapter.

SECTION 3. IC 5-10.2-2-17, AS AMENDED BY P.L.2-2006, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) Except as provided by subsection (b), fund records of individual members and membership information are confidential, except for:

(1) the name and years of service of a fund member;

(2) the amount of mandatory contributions paid under IC 5-10.3-7-9 or IC 5-10.4-4-11 by a fund member's employer on behalf of and individually identifiable to a fund member; and

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(3) the amount of the pension portion of a monthly retirement or disability benefit (excluding the annuity) paid to a fund member (or to a survivor or beneficiary of a fund member) under IC 5-10.3-8 or IC 5-10.4-5.

(b) However, This section does not prohibit a board from providing fund records to an association described in IC 5-10.3-8-10 or IC 5-10.4-5-14.

SECTION 4. IC 33-38-6-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 23. (a) The board of trustees of the public employees' retirement fund shall administer the fund, which may be commingled with the public employees' retirement fund for investment purposes.

(b) The board shall do the following:

(1) Determine eligibility for and make payments of benefits under IC 33-38-7 and IC 33-38-8.

(2) In accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund.

(3) Provide by rule for the implementation of this chapter and IC 33-38-7 and IC 33-38-8.

(c) A determination by the board may be appealed under the procedures in IC 4-21.5.

(d) The powers and duties of:

(1) the director and the actuary of the board;

(2) the treasurer of state;

(3) the attorney general; and

(4) the auditor of state;

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist it in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for:

(1) the name and years of service of a fund participant;

(2) the amount of mandatory contributions paid by a fund participant's employer on behalf of and individually identifiable to a fund participant; and

(3) the amount of a retirement or disability benefit paid to a fund participant (or to a survivor or beneficiary of a fund participant) under IC 33-38-7 or IC 33-38-8.

SECTION 5. IC 33-39-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The board shall

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administer the fund, which may be commingled with the public employees' retirement fund for investment purposes.

(b) The board shall do the following:

(1) Determine eligibility for and make payments of benefits under this chapter.

(2) In accordance with the powers and duties granted the board in IC 5-10.3-3-7, IC 5-10.3-3-7.1, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the fund.

(3) Provide by rule for the implementation of this chapter.

(c) A determination by the board may be appealed under IC 4-21.5.

(d) The powers and duties of:

(1) the director and the actuary of the board;

(2) the treasurer of state;

(3) the attorney general; and

(4) the auditor of state;

with respect to the fund are those specified in IC 5-10.3-3 and IC 5-10.3-4.

(e) The board may hire additional personnel, including hearing officers, to assist in the implementation of this chapter.

(f) Fund records of individual participants and participants' information are confidential, except for:

(1) the name and years of service of a fund participant;

(2) the amount of mandatory contributions paid by the state on behalf of and individually identifiable to a fund participant; and

(3) the amount of a retirement or disability benefit paid to a fund participant (or to a survivor or beneficiary of a fund participant) under this chapter.

SECTION 6. IC 36-8-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The PERF board shall:

(1) determine eligibility for and make payments of benefits, except as provided in section 12 of this chapter;

(2) in accordance with the powers and duties granted it in IC 5-10.3-3-7, IC 5-10.3-3-8, and IC 5-10.3-5-3 through IC 5-10.3-5-6, administer the 1977 fund; and

(3) provide by rule for the implementation of this chapter.

(b) A determination by the PERF board may be appealed under the procedures in IC 4-21.5.

(c) The powers and duties of the director and the actuary of the PERF board, the treasurer of state, the attorney general, and the auditor of state, with respect to the 1977 fund, are those specified in IC 5-10.3-3 and IC 5-10.3-4.

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- 1 (d) The PERF board may hire additional personnel, including
2 hearing officers, to assist it in the implementation of this chapter.
3 (e) The 1977 fund records of individual members and
4 membership information are confidential, except for:
5 (1) the name and years of service of a 1977 fund member;
6 (2) **the amount of mandatory contributions paid by a 1977**
7 **fund member's employer on behalf of and individually**
8 **identifiable to a 1977 fund member; and**
9 (3) **the amount of a retirement or disability benefit paid to a**
10 **1977 fund member (or to a survivor or beneficiary of a 1977**
11 **fund member) under this chapter.**

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